

SENATE BILL No. 349

AN ACT concerning professions of a technical nature; amending K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-7040 and 75-5802 and K.S.A. 2013 Supp. 19-216c, 19-1401a, 44-918, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the existing sections; also repealing K.S.A. 74-7037 and 74-7042 and K.S.A. 2013 Supp. 44-919 and 74-7041.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2013 Supp. 44-918 is hereby amended to read as follows: 44-918. (a) The state fire marshal ~~shall~~ *may* appoint a chief inspector *and one or more deputy inspectors* who shall be ~~a citizen of this state, or, if not available, a citizen of another state, and who shall have at the time of appointment not less than 10 years experience in the construction, installation, inspection, operation, maintenance or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boiler maker or boiler inspector, and who shall hold a commission issued by the national board of boiler and pressure vessel inspectors.~~ *The chief inspector shall be in the unclassified civil service and shall receive such compensation as prescribed by the state fire marshal, subject to the approval of the governor.*

(b) The chief inspector *and deputy inspectors* shall serve under the direction of the state fire marshal. The state fire marshal, chief inspector and other duly authorized representatives of the state fire marshal are hereby charged, directed and empowered:

(1) To take action necessary for the enforcement of this act and of the rules and regulations adopted hereunder;

(2) to maintain a complete record of all boilers and pressure vessels to which this act applies, which record shall include the name and address of each owner or user and the type, dimensions, maximum allowable working pressure, age and last recorded inspection of each such boiler or pressure vessel;

(3) to publish and make available copies of rules and regulations adopted hereunder to any person requesting them;

(4) to issue, or to suspend or revoke for cause, inspection certificates as provided in K.S.A. 44-924, and amendments thereto; and

(5) to cause the prosecution of all violators of the provisions of this act or of the rules and regulations adopted hereunder.

(c) (1) *A chief inspector shall:*

(A) *Have not less than five years of experience in the construction, installation, repair, operation or inspection of boilers, steam generators, super-heaters or pressure vessels; and*

(B) *hold a commission issued by the national board of boiler and pressure vessel inspectors, and have the following: (i) An in-service commission; (ii) an "A" endorsement; and (iii) a "B" endorsement. If the chief inspector does not have a "B" endorsement, then the chief inspector shall have the ability to acquire a "B" endorsement within 18 months after appointment as chief inspector.*

(2) *A deputy inspector shall:*

(A) (i) *Have completed courses and training and have experience in the construction, installation, repair, operation or inspection of boilers or pressure vessels, which in the aggregate amounts to not less than two years of time spent on education, training and work experience; or*

(ii) *have not less than five years of experience in the heating, ventilation, air conditioning or plumbing fields related to the installation or repair of boilers or pressure vessels; and*

(B) *hold an in-service commission issued by the national board of boiler and pressure vessel inspectors. If the deputy inspector does not have an in-service commission, then the deputy inspector shall have the ability to acquire such commission within 12 months after appointment as deputy inspector.*

Sec. 2. K.S.A. 2013 Supp. 19-216c is hereby amended to read as follows: 19-216c. (a) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor or building

design-build team is selected based on a qualifications and best value approach.

(b) “Ancillary technical services” include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the agency to be required for the project.

(c) “Architectural services” means those services described ~~by subsection (c) of~~ *as the “practice of architecture,” as defined in K.S.A. 74-7003, and amendments thereto.*

(d) “Best value selection” means a selection based upon objective criteria related to price, features, functions, life-cycle costs and other factors.

(e) “Board” means the board of county commissioners or its designees and the board as defined in K.S.A. 80-2501, and amendments thereto.

(f) “Building construction” means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots.

(g) “Building design-build” means a project for which the design and construction services are furnished under one contract.

(h) “Building design-build contract” means a contract between the board and a design-builder to furnish the architecture or engineering and related design services required for a given public facilities construction project and to furnish the labor, materials and other construction services for such public project.

(i) “Construction services” means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams or related structures, or stand-alone parking lots.

(j) “Construction management at-risk services” means the services provided by a firm which has entered into a contract with the board to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to, scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(k) “Construction management at-risk contract” means the contract whereby the board acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(l) “Construction manager or general contractor” means any individual, partnership, joint venture, corporation or other legal entity who is a member of the integrated project team with the board, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(m) “Design-builder” means any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts.

(n) “Design criteria consultant” means a person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract with

the board to provide professional design and administrative services in connection with the preparation of the design criteria package.

(o) “Design criteria package” means performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the board’s request for proposals for a building design-build project.

(p) “Engineering services” means those services described ~~by subsection (i) of~~ *as the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto.*

(q) “Firm” means any individual, partnership, joint venture, corporation or other legal entity which is engaged in the business of providing construction management or general construction contracting services.

(r) “Guaranteed maximum price” means the cost of the work as defined in the contract.

(s) “Parking lot” means a designated area or parking structure for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(t) “Preconstruction services” means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(u) “Project services” means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the board to be required by the project.

(v) “Public construction project” means the process of designing, constructing, reconstructing, altering or renovating a public building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(w) “Stipend” means an amount paid to the unsuccessful and responsive firms to defray the cost of submission of phase II of the building design-build proposal.

Sec. 3. K.S.A. 2013 Supp. 19-1401a is hereby amended to read as follows: 19-1401a. (a) The board of county commissioners of each county may appoint a land surveyor, whose official title shall be county surveyor. The county surveyor may appoint deputy county surveyors, and each deputy may perform the duties devolved upon the county surveyor by law. The county surveyor shall be a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto. The county surveyor may be a full-time or part-time county employee, or a contract employee, as determined appropriate by the board of county commissioners. A land surveyor may be a county surveyor in more than one county.

(b) For purposes of this section and article 14 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, the term “land surveyor” shall have the same meaning ~~ascribed thereto~~ *as the term “professional surveyor,” as defined in K.S.A. 74-7003, and amendments thereto.*

Sec. 4. K.S.A. 2013 Supp. 72-6760d is hereby amended to read as follows: 72-6760d. As used in the Kansas unified school district alternative project delivery construction procurement act, unless the context expressly provides otherwise:

(a) “Act” means the Kansas unified school district alternative project delivery building construction procurement act.

(b) “Board” means board of education of every unified school district in Kansas, as defined in K.S.A. 72-8201, and amendments thereto, with the authority to award public contracts for building design and construction.

(c) “Alternative project delivery” means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures

whereby a construction manager or general contractor is selected based on a qualifications and best value approach.

(d) “Ancillary technical services” include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the board to be required for the project.

(e) “Architectural services” means those services described ~~by subsection (e) of~~ *as the “practice of architecture,” as defined in K.S.A. 74-7003, and amendments thereto.*

(f) “Best value selection” means a selection based upon project cost, qualifications and other factors.

(g) “Building construction” means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(h) “Construction services” means the process of planning, acquiring, building, equipping, altering, repairing, improving or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding stand-alone parking lots.

(i) “Construction management at-risk services” means the services provided by a firm which has entered into a contract with the board to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to, scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(j) “Construction management at-risk contract” means the contract whereby the board acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(k) “Construction manager or general contractor” means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the board, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(l) “Cost plus guaranteed maximum price contract” means a cost-plus-a-fee contract with a guaranteed maximum price. This includes the sum of the construction manager’s fee, the construction manager’s contingency, the construction manager’s general conditions, all the subcontracts, plus an estimate for unbid subcontracts. The construction manager agrees to pay for costs that exceed the guaranteed maximum price and are not a result of changes in the contract documents.

(m) “Engineering services” means those services described ~~by subsection (i) of~~ *as the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto.*

(n) “Firm” means any individual, partnership, joint venture, corporation or other legal entity which is engaged in the business of providing construction management or general construction contracting services.

(o) “Guaranteed maximum price” means the cost of the work as defined in the contract.

(p) “Selection recommendation committee” means school board or a committee appointed by the school board.

(q) “Parking lot” means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act.

A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(r) “Preconstruction services” means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(s) “Project services” means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the board to be required by the project.

(t) “Public construction project” means the process of designing, constructing, reconstructing, altering or renovating a unified school district building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

Sec. 5. K.S.A. 74-7001 is hereby amended to read as follows: 74-7001. (a) Except as otherwise provided in ~~this act~~ K.S.A. 74-7001 *et seq.*, and *amendments thereto*, it shall be unlawful for any person to practice or to offer to practice in the state of Kansas, any profession included within the term technical professions, as such term is defined in ~~the provisions of this act~~ K.S.A. 74-7003, and *amendments thereto*, unless such person has been duly licensed to practice such profession under ~~this act~~ K.S.A. 74-7001 *et seq.*, and *amendments thereto*, or holds a certificate of authorization issued under K.S.A. 74-7036, and *amendments thereto*.

(b) Any person practicing any technical profession in this state, or calling or representing such person as a licensed practitioner of such technical profession, or using the title of a licensed practitioner of such technical profession shall be required to submit evidence that such person is ~~qualified to practice such technical profession and is~~ duly licensed under ~~this act~~ K.S.A. 74-7001 *et seq.*, and *amendments thereto*, or holds a certificate of authorization issued under K.S.A. 74-7036, and *amendments thereto*.

Sec. 6. K.S.A. 2013 Supp. 74-7003 is hereby amended to read as follows: 74-7003. As used in K.S.A. 74-7001 *et seq.*, and *amendments thereto*:

(a) ~~“Technical professions” includes the professions of engineering, land surveying, architecture, landscape architecture and geology as the practice of such professions are defined in K.S.A. 74-7001 *et seq.*, and *amendments thereto*.~~ “Agricultural building” means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products, or for farm storage of farming implements. Such structure shall not be a place for human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a building or structure for use by the public.

(b) “Architect” means a person who is qualified to engage in the practice of architecture and who is licensed by the board to practice architecture as provided in K.S.A. 74-7001 *et seq.*, and *amendments thereto*.

(c) (1) “Architecture” or “practice of architecture” means providing, offering to provide or holding oneself out as able to provide professional architectural services or performing creative work which requires architectural education, training and experience as may be required in connection with the design and construction, restoration, enlargement or alteration of non-exempt public or private buildings intended for human habitation, occupancy or use, and the spaces within and the site surrounding such buildings.

(2) Professional architectural services include the following: Common technical services, as defined in subsection (g); pre-design and schematic design; programming; planning; preparing or providing designs, drawings, specifications and other technical submissions; the design of items relating to building code requirements, as such items pertain to architecture; and the preparation of any architectural design features that are required on legal documents and those other professional architectural services as may be necessary for the rendering of services which have the purpose of protecting the health, safety, property and welfare of the public.

(3) The term “architecture” or “practice of architecture” shall not include those services specifically identified in the definition of “landscape

architecture,” “professional engineering,” “professional geology” and “professional surveying” except for those services which are included in the term “common technical services,” as defined in subsection (g).

~~(b)~~(d) “Board” means the state board of technical professions.

(e) “Building” means any permanent structure which is enclosed or partially enclosed that provides shelter for human habitation.

(f) “Business entity” means a general corporation, professional corporation, limited liability company, limited liability partnership, corporate partnership or other legal entity created by law.

(g) “Common technical services” means those services which may be offered or performed by any licensee, are performed within the licensee’s defined scope of practice and are further described as follows:

(1) Representation of clients in connection with contracts entered into between clients and others;

(2) coordination of elements of technical submissions prepared by the licensee’s consultants;

(3) administration of contracts for construction;

(4) observation of construction for general conformance with requirements of approved construction documents or technical submissions prepared by a licensee;

(5) performing acts of consultation and technical investigation;

(6) providing expert technical testimony or testimony evaluation;

(7) performing technical evaluations and research;

(8) teaching in a college or university offering an accredited technical professional curriculum recognized by the board; and

(9) providing responsible supervision of these services, insofar as such services involve safeguarding the health, safety, property and welfare of the public.

(h) “Construction administration” means the provision of technical professional services during construction by licensees, or persons under the licensee’s responsible supervision, which act to confirm substantial compliance with the requirements and provisions of applicable technical documents prepared by the licensee or under the licensee’s responsible supervision. Such technical professional services include, but are not limited to: Assisting with bidding or negotiation processes; reviewing and acting upon shop drawings and other submittals; providing clarification or interpretation of the licensee’s technical documents; evaluating general progress of construction; observing or evaluating completed construction; and assisting the client in matters related to the licensee’s technical professional expertise. Construction administration services do not include management of, or responsibility for, the contractor’s construction activities, means or methods.

(i) “Government client” means any state, county or municipal governmental entity including, but not limited to, any department, agency, authority, planning district, board, commission, office or institution thereof, and any school district, college, university and any individual acting under authority to represent any such governmental entity.

(j) “Landscape architect” means a person who is qualified to engage in the practice of landscape architecture and who is licensed by the board to practice landscape architecture as provided in K.S.A. 74-7001 *et seq.*, and amendments thereto.

(k) (1) “Landscape architecture” or “practice of landscape architecture” means performing professional landscape architectural services including the following: Common technical services, as defined in subsection (g); consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the development of sustainable designs and technology; preparation, review and analysis of master plans for land use and development; production of overall site development and land enhancement plans, grading and drainage plans, irrigation plans, planting plans and construction details; specifications, cost analysis and reports for land development; and the designing of land forms and non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use. The practice of landscape architecture also encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil

conservation; erosion control; and the development of outdoor space in accordance with ideals of human use and enjoyment.

(2) The term “landscape architecture” or “practice of landscape architecture” shall not include those services specifically identified in the definition of “architecture,” “professional engineering,” “professional geology” and “professional surveying” except for those services which are included in the term “common technical services,” as defined in subsection (g).

~~(e)(l)~~ “License” means a license to practice the technical professions granted under K.S.A. 74-7001 et seq., and amendments thereto.

~~(d)~~ “Architect” means a person whose practice consists of:

~~(1)~~ Rendering services or performing creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, providing preliminary studies and designs, overall interior and exterior building design, the preparation of drawings, specifications and related documents, all in connection with the construction or erection of any private or public building, building project or integral part or parts of buildings or of any additions or alterations thereto, or other services and instruments of services related to architecture;

~~(2)~~ representation in connection with contracts entered into between clients and others; and

~~(3)~~ observing the construction, alteration and erection of buildings.

~~(e)~~ “Practice of architecture” means the rendering of or offering to render certain services, as described in subsection (d), in connection with the design and construction or alterations and additions of a building or buildings; the design and construction of items relating to building code requirements, as they pertain to architecture, and other building related features affecting the public’s health, safety and welfare; the preparation and certification of any architectural design features that are required on plats; and the teaching of architecture by a licensed architect in a college or university offering an approved architecture curriculum of four years or more.

~~(f)~~ “Landscape architect” means a person who is professionally qualified as provided in K.S.A. 74-7001 et seq., and amendments thereto, to engage in the practice of landscape architecture, who practices landscape architecture and who is licensed by the board.

~~(g)~~ “Practice of landscape architecture” means the performing of professional services such as consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the designing of land forms and nonhabitable structures for aesthetic and functional purposes such as pools, walls and structures for outdoor living spaces for public and private use; the preparation and certification of any landscape architectural design features that are required on plats; and the teaching of landscape architecture by a licensed landscape architect in a college or university offering an approved landscape architecture curriculum of four years or more. It encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil conservation erosion control, drainage and grading; and the development of outdoor space in accordance with ideals of human use and enjoyment.

~~(m)~~ “Person” means a natural person or business entity.

~~(n)~~ “Principal” means person who serves in a business entity as an officer, member of a board of directors, member of a limited liability company or partner.

~~(h)(o)~~ “Professional engineer” means a person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, who is qualified as provided in *engage in the practice of engineering and who is licensed by the board to practice engineering as provided in K.S.A. 74-7001 et seq., and amendments thereto;*

~~(i)(p)~~ (1) “Professional engineering” or “practice of engineering” means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application

~~of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, the teaching of engineering by a licensed professional engineer in a college or university offering an approved engineering curriculum of four years or more, engineering surveys and studies, the observation of construction for the purpose of assuring compliance with drawings and specifications, representation in connection with contracts entered into between clients and others and the preparation and certification of any engineering design features that are required on plats, any of which embraces such service or work, either public or private, for any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property. As used in this subsection, “engineering surveys” includes all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system, providing, offering to provide, or holding oneself out as able to provide professional engineering services, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences, including the following: Common technical services, as defined in subsection (g); consulting, investigating, evaluating, planning and designing of engineering works and systems; producing engineering surveys and studies; and preparing any engineering design features which embrace such service or work, either public or private, for any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding the health, safety, property or welfare of the public.~~

(2) ~~As used in this subsection, the term “engineering surveys” includes all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.~~

(3) ~~The term “professional engineering” or “practice of professional engineering” shall not include those services specifically identified in the definition of “architecture,” “landscape architecture,” “professional geology” and “professional surveying” except for those services which are included in the term “common technical services,” as defined in subsection (g).~~

(q) ~~“Professional geologist” means a person who is qualified to engage in the practice of geology and who is licensed by the board to practice geology as provided in K.S.A. 74-7001 et seq., and amendments thereto.~~

(r) (1) ~~“Professional geology” or “practice of professional geology” means the performing of professional geology services including the following: Common technical services, as defined in subsection (g); planning or mapping, providing observation, or the responsible supervision thereof, in connection with the treatment of the earth and its origin and history, in general; the investigation of the earth’s constituent rocks, minerals, solids, fluids, including surface and underground waters, gases and other materials; and the study of the natural agents, forces and processes which cause changes in the earth.~~

(2) ~~The term “professional geology” or “practice of professional geology” shall not include those services specifically identified in the definition of “architecture,” “landscape architecture,” “professional engineering” and “professional surveying” except for those services which are included in the term “common technical services,” as defined in subsection (g).~~

~~(j)(s) “Land Professional surveyor” means any person who is engaged in the practice of land surveying and who is licensed by the board to practice surveying as provided in K.S.A. 74-7001 et seq., and amendments thereto, and who is licensed by the board.~~

~~(k)(t)~~ (1) “Professional surveying” or “practice of land professional surveying” includes:

~~(1) The performance of any professional service, the adequate performance of which involves the application of special knowledge and experience in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law and the methods of surveying measurements in measuring and locating of lines, angles, elevation of natural and man-made features in the air, on the surface of the earth, within underground workings and on the bed of bodies of water for the purpose of determining areas, volumes and monumentation of property boundaries;~~

~~(2) the planning, mapping and preparation of plats of land and subdivisions thereof, including the topography, rights-of-way, easements and any other boundaries that affect rights to or interests in land, but excluding features requiring engineering or architectural design;~~

~~(3) the preparation of the original descriptions of real property for the conveyance of or recording thereof and the preparation of maps, plats and field note records that represent these surveys;~~

~~(4) the reestablishing of missing government section corners in accordance with government surveys;~~

~~(5) the teaching of land surveying by a licensed land surveyor in a college or university offering an approved land surveying curriculum of four years or more; and~~

~~(6) the locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works; means providing, or offering to provide, professional surveying services including the following: Common technical services, as defined in subsection (g); using such sciences as mathematics, geodesy and photogrammetry; and involving the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on or below the earth and providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional surveying services also include planning, mapping, assembling and interpreting gathered measurements and information related to any one or more of the following:~~

~~(A) Determining by measurement the configuration or contour of the earth’s surface or the position of fixed objects thereon;~~

~~(B) determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth;~~

~~(C) locating, relocating, establishing, re-establishing or retracing property lines or boundaries of any tract of land, road, right-of-way or easement;~~

~~(D) preparing the original descriptions of real property for the conveyance of or recording thereof and the preparation of graphics, data, maps, plans, reports, land subdivision plats, descriptions and projects that represent these surveys;~~

~~(E) determining, by the use of principles of surveying, the position for any survey monument, whether boundary or non-boundary, or reference point and establishing or replacing any such monument or reference point;~~

~~(F) making any survey for the division, subdivision or consolidation of any tract of land;~~

~~(G) locating or laying out alignments, positions or elevations where such work is part of the construction of engineering or architectural works; and~~

~~(H) creating, preparing or modifying electronic, computerized or other data relative to performance of the activities set forth in subparagraphs (A) through (G).~~

~~(2) The term “professional surveying” or “practice of professional surveying” shall not include those services specifically identified in the definition of “architecture,” “landscape architecture,” “professional engineering” and “professional geology” except for those services which are included in the term “common technical services,” as defined in subsection (g).~~

~~(l) “Person” means a natural person or business entity.~~

~~(m) “Plat” means a diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as deter-~~

mined by survey or protraction. A plat should show all data required for a complete and accurate description of the land which it delineates, including the bearings (or azimuths) and lengths of the boundaries of each subdivision.

~~(n) “Geologist” means a person who is qualified to engage in the practice of geology by reason of knowledge of geology, mathematics and the supporting physical and life sciences, acquired by education and practical experience, who is qualified as provided in K.S.A. 74-7001 et seq., and amendments thereto, to engage in the practice of geology and who is licensed by the board.~~

~~(o) “Practice of geology” means:~~

~~(1) The performing of professional services such as consultation, investigation, evaluation, planning or mapping, or inspection, or the responsible supervision thereof, in connection with the treatment of the earth and its origin and history, in general, the investigation of the earth’s constituent rocks, minerals, solids, fluids including surface and underground waters, gases and other materials, and the study of the natural agents, forces and processes which cause changes in the earth;~~

~~(2) the teaching of geology by a licensed professional geologist in a college or university offering an approved geology curriculum of four years or more by a person who meets the qualifications for education and experience prescribed by K.S.A. 74-7041, and amendments thereto; or~~

~~(3) representation in connection with contracts entered into between clients and others and the preparation and certification of geological information in reports and on maps insofar as it involves safeguarding life, health or property.~~

~~(p) “Business entity” means a general corporation, professional corporation, limited liability company, limited liability partnership, corporate partnership or other legal entity created by law.~~

~~(q) “Principal” means a person who serves in a business entity as an officer, member of a board of directors, member of a limited liability company or partner.~~

~~(u) “Responsible charge” means the application of personal supervision and professional judgment, and the incorporation of detailed knowledge with respect to the content of a technical submission by a licensee when applying the normal standard of care for the work that such licensee is licensed to perform.~~

~~(v) “Standard of care” means the duty to exercise the degree of learning and skill ordinarily possessed by a reputable licensee practicing in Kansas in the same or similar locality and under similar circumstances.~~

~~(w) “Technical professions” includes the professions of architecture, landscape architecture, professional engineering, professional geology and professional surveying as the practice of such professions are defined in K.S.A. 74-7001 et seq., and amendments thereto.~~

Sec. 7. K.S.A. 74-7004 is hereby amended to read as follows: 74-7004. For the purpose of administering the provisions of this act and in order to establish and maintain a high standard of integrity, skills and practice in the technical professions and to safeguard the life, health, safety, property and welfare of the public, the governor shall appoint a state board of technical professions consisting of 13 members. At least 30 days prior to the expiration of any term other than that of ~~the~~ a member appointed from the general public, professional societies and associations which are respectively representative of each branch of the technical professions may submit to the governor a list of three or more names of persons of recognized ability who have the qualifications prescribed for board members for appointment from that branch of the technical professions. The governor shall consider the list of persons in making the appointment to the board. In case of a vacancy in the membership of the board, other than that of ~~the~~ a member appointed from the general public, for any reason other than the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. In making the appointment the governor shall give consideration to the list of persons last submitted.

Sec. 8. K.S.A. 74-7005 is hereby amended to read as follows: 74-7005. (a) Membership of the board shall be as follows:

(1) Four members shall have been engaged in the practice of engineering for at least eight years, *which practice shall include responsible*

charge of engineering work, and shall be Kansas licensed professional engineers. At least one of such members shall be engaged in private practice as an engineer. At least one of such members shall may also be licensed as a land-Kansas professional surveyor, as well as a Kansas licensed professional engineer.

(2) Two members shall have been engaged in the practice of ~~land~~ surveying for at least eight years, *which practice shall include responsible charge of surveying work, and shall be Kansas licensed land professional surveyors.*

(3) Three members shall *have been engaged in the practice of architecture for at least eight years, which practice shall include responsible charge of architectural work, and shall be Kansas licensed architects-of recognized standing and shall have been engaged in the practice of the profession of architecture for at least eight years, which practice shall include responsible charge of architectural work as principal.*

(4) One member shall *have been engaged in the practice of landscape architecture for at least eight years, which practice shall include responsible charge of landscape architectural work, and shall be a Kansas licensed landscape architect and shall have been engaged in the practice of landscape architecture for at least eight years, which practice shall include responsible charge of landscape architectural work as principal.*

(5) One member shall ~~be engaged in the practice of geology, shall have been engaged in the practice of geology for at least eight years and, on and after July 1, 2000, which practice shall include responsible charge of geology work, and shall be a Kansas licensed professional geologist.~~

(6) Two members shall be from the general public of this state.

(b) Each member of the board shall be a citizen of the United States and a resident of this state.

(c) ~~The~~ *Any* amendments to this section shall not be applicable to any member of the board who was appointed to the board and qualified for such appointment under this section prior to the effective date of ~~this act~~ *such enactment.*

Sec. 9. K.S.A. 74-7007 is hereby amended to read as follows: 74-7007. The board shall organize annually at its first meeting subsequent to July 1, and shall select a chairperson, vice-chairperson, and secretary from its own membership. The secretary shall be the custodian of the common seal, the books and records of the board, and shall ~~keep minutes~~ *be responsible for the recordation, publication and archiving* of all board proceedings. The chairperson and secretary shall have the power to administer oaths pertaining to the business of the board. The board shall have a common seal and shall formulate rules to govern its actions. Each member of the board shall take and subscribe the oaths prescribed by law for state officers. The oaths provided for herein shall be filed in the office of the secretary of state. The board shall hold an annual meeting and such additional meetings as the board may designate. Seven members of the board shall constitute a quorum for the transaction of business.

Sec. 10. K.S.A. 2013 Supp. 74-7009 is hereby amended to read as follows: 74-7009. (a) The following nonrefundable fees shall be collected by the board:

(1) For an original license, issued upon the basis of an examination given by the board, an application fee in the sum of not more than \$200 plus an amount, ~~to be determined by the board,~~ equal to the cost of any examination ~~required~~ *directly administered* by the board ~~in each~~ *for any* branch of the technical professions;

(2) for a license by reciprocity under K.S.A. 74-7024, and amendments thereto, an application fee of not more than \$500;

(3) for a certificate of authorization for a business entity, the sum of not more than \$300;

(4) for the biennial renewal of ~~a~~ *an active* license, the sum of not more than \$200;

(5) for the biennial renewal of a certificate of authorization for a business entity, the sum of not more than \$300; ~~and~~

(6) ~~for the renewal of a certificate of authorization pursuant to subsection (c) of K.S.A. 74-7036, and amendments thereto, 1/2 of the renewal fee required by paragraph (5) of this subsection~~ *for the untimely renewal of a license or certificate of authorization pursuant to K.S.A. 74-7025, and amendments thereto, a late fee of not more than \$200; and*

(7) *for the return of an inactive license to active practice, or for the reinstatement of a cancelled license, the sum of not more than \$200.*

(b) On or before November 15, of each year, the board shall determine the amount necessary to administer the provisions of K.S.A. 74-7001 et seq., and amendments thereto, for the ensuing calendar year and shall fix the fees for such year at the sum deemed necessary for such purposes.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the technical professions fee fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

Sec. 11. K.S.A. 74-7010 is hereby amended to read as follows: 74-7010. A roster showing the names and places of business of all persons licensed under ~~this act~~ K.S.A. 74-7001 et seq., and amendments thereto, or issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, shall be maintained by the executive director. The roster shall also specify the branch of the technical professions in which each such person is licensed or authorized to practice. Copies of the roster ~~may be placed, at the discretion of the board, on file with the secretary of state and with the clerk of each county in this state and shall be furnished to such other persons as determined by the board. Copies shall be furnished to members of the public upon request. The board may charge and collect a fee for copies furnished to members of the public in an amount to be fixed by the board and approved by the director of accounts and reports under K.S.A. 45-219, and amendments thereto, in order to recover the actual costs incurred. All fees collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund shall be provided in accordance with the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.~~

Sec. 12. K.S.A. 2013 Supp. 74-7013 is hereby amended to read as follows: 74-7013. (a) The board may adopt all rules and regulations, including rules of professional conduct, which are necessary for performance of its powers, duties and functions in the administration of the provisions of K.S.A. 74-7001 et seq., and amendments thereto.

(b) The board, through rules and regulations, may require continuing education as a condition for license renewal or reinstatement and may exempt persons from such continuing education requirements.

(c) *The board may adopt rules and regulations concerning cancelled, inactive and emeritus licensure status.*

(d) *The board shall adopt rules and regulations prescribing minimum standards for boundary surveys, mortgage title inspection, American land title association surveys and such other surveys as necessary to control the quality of surveying in the state of Kansas.*

Sec. 13. K.S.A. 74-7019 is hereby amended to read as follows: 74-7019. Minimum qualifications of applicants seeking licensure as architects are the following:

(a) Graduation from a college or university program that is adequate in its preparation of students for the practice of architecture, *as determined by the board in accordance with applicable rules and regulations;* ~~and~~

(b) proof of architectural experience of a character satisfactory to the board, as defined by rules and regulations of the board; and

(c) the satisfactory passage of an examination utilized by the board.

Sec. 14. K.S.A. 2013 Supp. 74-7021 is hereby amended to read as follows: 74-7021. (a) Minimum qualifications of applicants seeking licensure as professional engineers are the following:

(1) Graduation from a college or university program that is adequate

in its preparation of students for the practice of engineering, *as determined by the board in accordance with applicable rules and regulations;* ~~and~~

(2) the satisfactory passage of ~~such written~~ *an* examination in the fundamentals of engineering as utilized by the board; ~~and~~

(3) proof of four years of engineering experience of a character satisfactory to the board, as defined by rules and regulations of the board; and

(4) the satisfactory passage of ~~such~~ *an* examination in professional practice as utilized by the board.

(b) The board may issue an intern engineer certificate to a person who meets the education and examination qualifications prescribed by the board.

Sec. 15. K.S.A. 2013 Supp. 74-7022 is hereby amended to read as follows: 74-7022. (a) Minimum qualifications of applicants seeking licensure as ~~land~~ *professional* surveyors are the following:

(1) Proof of ~~land~~ surveying experience and education in accordance with rules and regulations of the board; and

(2) the satisfactory passage of examinations utilized by the board.

(b) The board may issue an intern ~~land~~ surveyor certificate to a person who meets the education, experience and examination qualifications prescribed by the board.

New Sec. 16. (a) Minimum qualifications of applicants seeking licensure as professional geologists are the following:

(1) Graduation from a course of study in geology, or from a program which is of four or more years' duration and which includes at least 30 semester or 45 quarter hours of credit with a major in geology or a geology specialty, that is adequate in its preparation of students for the practice of geology;

(2) proof of at least four years of experience in geology of a character satisfactory to the board, as defined by rules and regulations of the board; and

(3) the satisfactory passage of such examinations in the fundamentals of geology and in geologic practice as utilized by the board.

(b) The board may issue an intern geologist certificate to a person who meets the education and examination qualifications prescribed by the board.

Sec. 17. K.S.A. 2013 Supp. 74-7023 is hereby amended to read as follows: 74-7023. (a) All examinations required by K.S.A. 74-7001 et seq., and amendments thereto, shall be held at such time and place as the board determines. The scope of the examinations, methods of procedure and eligibility to take examinations, including reexaminations, shall be prescribed by the board.

(b) The board, after receiving satisfactory evidence of the qualifications of an applicant and after satisfactory examination of the applicant, shall issue a license authorizing the applicant to practice the technical profession for which the applicant is qualified and to use the title appropriate to such technical profession.

(c) Each license shall show the full name of the licensee, shall have a serial number and shall be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named on the license is legally licensed and is entitled to all the rights and privileges of a licensed practitioner of the technical profession for which the licensee is licensed while the license remains unrevoked and unexpired.

(d) Each licensee shall ~~purchase~~ *obtain* a seal of a distinctive design authorized by the board, bearing the licensee's name and number and a uniform inscription formulated by the board. Documents, ~~reports, legal descriptions, records and papers~~ signed by the licensee in the licensee's professional capacity shall be stamped with the seal during the duration of the license, but it shall be unlawful for anyone to stamp any document with the seal after the license has expired or has been revoked, unless the license has been renewed or reissued. No person shall tamper with or revise the seal without express written approval by the board.

~~(e) Any person licensed hereunder may stamp any documents submitted to such licensee by any practitioner of a technical profession licensed in another state upon assuming full responsibility for furnishing~~

~~complete and adequate observation of the work covered by the documents to which the licensee has affixed the seal.~~

Sec. 18. K.S.A. 74-7024 is hereby amended to read as follows: 74-7024. Any person who holds a current license ~~or certificate of qualification or registration~~ to practice any branch of the technical professions issued by the proper authority in any other state or political subdivision of the United States ~~or in any other country~~ may be exempted from examination for licensure in this state if the requirements under which such license ~~or certificate~~ was issued are of a standard accepted by the board and if the person's record fully meets the requirements of this state in all respects other than examination. *Upon determination that the person meets the requirements of this section and all other requirements for licensure under K.S.A. 74-7001 et seq., and amendments thereto,* the board may issue, upon application therefor and receipt of payment of the application fee prescribed under K.S.A. 74-7009, and amendments thereto, a license to practice the appropriate technical profession ~~if the proper authority of the state, political subdivision or country from which the applicant holds a license or certificate agrees to accept on an equal basis persons who hold licenses issued by the authority of this state.~~

Sec. 19. K.S.A. 2013 Supp. 74-7025 is hereby amended to read as follows: 74-7025. (a) At least 30 days prior to the date of expiration of a license or certificate of authorization, the executive director shall notify every person licensed under K.S.A. 74-7001 et seq., and amendments thereto, or business entity issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, of the date of the expiration of the license or certificate of authorization and the amount of the fee that is required for its renewal for two years. The licensee shall notify the board in writing of any change of address within 30 days after the date of such change. ~~Renewal may be effected without penalty any time during a period of 60 days following the date of the expiration of the license or certificate of authorization by the payment of a renewal fee established by the board pursuant to the provisions of K.S.A. 74-7009, and amendments thereto.~~ *A licensee shall not practice any technical profession after the expiration date until the license or certificate of authorization has been renewed or reinstated. Any license or certificate of authorization not renewed by the expiration date may be renewed within 60 days after such expiration date by payment of the renewal fee plus a late fee as set forth in K.S.A. 74-7009, and amendments thereto. Any license or certificate of authorization not renewed within 60 days after the expiration date shall be cancelled.*

(b) As a condition for obtaining license renewal, the board may require proof of compliance with continuing education requirements established by rules and regulations.

(c) ~~The failure on the part of any licensee or holder of a certificate of authorization to effect renewal or reinstatement of a license or certificate of authorization as required above shall result in the cancellation of the license or certificate of authorization by the board.~~

~~(d)~~—Any person whose license or certificate of authorization has been cancelled pursuant to subsection ~~(c)~~(a) may have the license or certificate of authorization reinstated by the board for good cause shown and ~~upon payment of a penalty determined by the board in an amount of not more than \$100 by filing an application for such license or certificate of authorization and such other documents as required by the board, and payment of the reinstatement fee as set forth in K.S.A. 74-7009, and amendments thereto.~~

(d) *Any licensee who voluntarily decides to no longer practice a technical profession shall have such licensee's status changed from active to inactive, provided, such licensee meets the requirements for use of the inactive licensure status established in the rules and regulations adopted by the board. A person whose license is inactive may return to active practice of a technical profession by applying for a return to active practice, paying the appropriate fee as set forth in K.S.A. 74-7009, and amendments thereto, and complying with all applicable rules and regulations adopted by the board.*

(e) *Any licensee who voluntarily decides to no longer practice a technical profession and who is at least 60 years of age shall have such licensee's status changed from active to emeritus, provided, such licensee*

meets the requirements for use of the emeritus title established in the rules and regulations adopted by the board.

~~(e)-(f)~~ A new license or certificate of authorization, to replace any lost, destroyed or mutilated license, may be issued, subject to rules and regulations of the board, and a charge of \$20 shall be made for such issuance.

Sec. 20. K.S.A. 2013 Supp. 74-7026 is hereby amended to read as follows: 74-7026. (a) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of any person who has engaged in any of the following conduct:

(1) The practice of any fraud or deceit in obtaining a license or certificate of authorization issued under K.S.A. 74-7036, and amendments thereto;

(2) any gross negligence, incompetency, misconduct or wanton disregard for the rights of others in the practice of any technical profession;

(3) a conviction of a felony as set forth in the criminal statutes of the state of Kansas, of any other state or of the United States;

(4) violation of any rules of professional conduct adopted and promulgated by the board or violation of rules and regulations adopted by the board for the purpose of carrying out the provisions of K.S.A. 74-7001 et seq., and amendments thereto; or

(5) affixing or permitting to be affixed such licensee's seal or name to any documents, ~~reports, records or papers~~ which were not prepared by such licensee or prepared under the ~~direct supervision and control of such licensee, except as provided in K.S.A. 74-7023, and amendments thereto~~ *responsible charge of such licensee.*

(b) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the certificate of authorization of any business entity which has engaged in any conduct which would authorize the board to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of a person under this section.

(c) The board, for reasons it may deem sufficient, may reissue a license or certificate of authorization that has been revoked and may remove the suspension of the license or certificate of authorization ~~provided~~ *provided*, seven or more members of the board vote in favor of such reissuance or removal of suspension. A new license or certificate of authorization, to replace any revoked or suspended license or certificate of authorization, may be issued, subject to rules and regulations of the board, and a charge of \$100 shall be made for the issuance of such license or \$150 for the issuance of a certificate of authorization.

(d) Any action of the board pursuant to this section shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 21. K.S.A. 2013 Supp. 74-7029 is hereby amended to read as follows: 74-7029. (a) It shall be a class A misdemeanor for any person to:

(1) Practice or offer to practice or hold one's self out as entitled to practice any technical profession unless the person is licensed as provided in K.S.A. 74-7001 et seq., and amendments thereto, or holds a certificate of authorization issued under K.S.A. 74-7036, and amendments thereto;

(2) present or attempt to use, as such person's own, the license, certificate of authorization or seal of another;

(3) falsely impersonate any other practitioner of like or different name;

(4) give false or forged evidence to the board, or any member thereof, in obtaining a license or certificate of authorization;

(5) use or attempt to use a license or certificate of authorization that has expired or been suspended or revoked;

(6) falsely advertise as a licensed practitioner or as the holder of a certificate of authorization;

(7) use in connection with such person's name, or otherwise assume, or advertise any title or description intended to convey the impression that such person is a licensed practitioner or holds a certificate of authorization; or

(8) otherwise violate any of the provisions of K.S.A. 74-7001 et seq., and amendments thereto, or any rule and regulation promulgated by the board.

(b) For the purposes of subsection (a)(1), a person shall be construed

to practice or offer to practice or hold one's self out as entitled to practice a technical profession if such person:

- (1) Practices any branch of the technical professions;
- (2) by verbal claim, sign, advertisement, letterhead, card or in any other way represents the person to be an architect, landscape architect, professional engineer, *professional geologist* or ~~land~~ *professional surveyor*;
- (3) through the use of some other title implies that such person is an architect, landscape architect, professional engineer, *professional geologist* or ~~land~~ *professional surveyor*, or that such person is licensed to practice a technical profession; or
- (4) holds one's self out as able to perform, or does perform, any service or work or any other service designated by the practitioner which is recognized as within the scope of the practice of a technical profession.

(c) The attorney general of the state or the district or county attorney of any county, at the request of the board, shall render such legal assistance as may be necessary in carrying out the provisions of K.S.A. 74-7001 et seq., and amendments thereto. Upon the request of the board, the attorney general or district or county attorney of the proper county shall institute in the name of the state or board the proper proceedings against any person regarding whom a complaint has been made charging such person with the violation of any of the provisions of K.S.A. 74-7001 et seq., and amendments thereto. The attorney general, and such district or county attorney, at the request of the attorney general or of the board, shall appear and prosecute any and all such actions.

Sec. 22. K.S.A. 2013 Supp. 74-7031 is hereby amended to read as follows: 74-7031. The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of architecture shall not be construed to prevent or to affect:

(a) The practice of any person engaging in the publication of books or pamphlets illustrating architectural designs.

(b) Persons preparing plans, drawings or specifications for ~~one and two family dwellings~~ *buildings housing no more than two dwelling units in one contiguous structure* or for agricultural buildings.

(c) Persons furnishing, individually or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data concerning the labor and materials to be used for any of the following ~~as long as the utilization of the uniform building code or life safety code, as currently adopted by the division of architectural services of the state of Kansas, provided, compliance with the most recent edition of the international building code adopted by the international code conference and rules and regulations adopted by the state fire marshal,~~ is not required:

- (1) Store fronts or facades, interior alterations or additions, fixtures, cabinet work, furniture, appliances or other equipment;
- (2) work necessary to provide for installation of any item designated in subsection (c)(1);
- (3) alterations or additions to a building necessary to, or attendant upon, installation of any item designated in subsection (c)(1), if the alteration or addition does not change or affect:

(A) The structural system of the building, which structural system includes, but is not limited to, foundations, walls, floors, roofs, footings, bearing partitions, beams, columns or joists *and does not exceed the structural capacity of the system*;

(B) *the required exit capacities or exiting travel distances; or*

(C) *the required fire ratings of assemblies, fire separation walls or fire ratings required by building type.*

(d) Work involving matters of rates, rating and loss prevention by employees of insurance rating organizations and insurance service organizations and insurance companies and agencies.

(e) The performance of services by a licensed landscape architect or business entity issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036, and amendments thereto, in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

~~(f) For the purposes of this section.~~

(1) ~~“Building” means any structure consisting of foundation, floors, walls, columns, girders, beams and roof, or a combination of any number of these parts, with or without other parts and appurtenances thereto, including the structural, mechanical and electrical systems utility services, and other facilities as may be required for the structure.~~

(2) ~~“Agricultural building” means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products and for farm storage of farming implements. Such structure shall not be a place for human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a building or structure for use by the public.~~

Sec. 23. K.S.A. 74-7032 is hereby amended to read as follows: 74-7032. The provisions of ~~this act~~ K.S.A. 74-7001 *et seq.*, and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of landscape architecture shall not be construed to prevent or to affect:

(a) The right of any individual to engage in the occupation of growing and marketing nursery stock ~~or~~, to use the title nurseryman, landscape nurseryman or gardener, or to prohibit any individual to plan or plant such individual’s own property.

(b) The right of nurserymen to engage in preparing and executing planting plans.

(c) The practice of site development planning, in accordance with the practice of architecture, ~~or the practice of engineering.~~

(d) *The performance of those services described in subsection (k)(1) of K.S.A. 74-7003, and amendments thereto, by a licensed professional engineer, except that no licensed professional engineer shall perform the following services: (1) Planting plans; or (2) the determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate.*

Sec. 24. K.S.A. 74-7033 is hereby amended to read as follows: 74-7033. The provisions of ~~this act~~ K.S.A. 74-7001 *et seq.*, and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of engineering shall not be construed to prevent or to affect:

(a) Except as provided by subsection (b), the design or erection of any structure or work by a person who owns the structure or work, upon such person’s own premises for such person’s own use if the structure or work is not to be used for human habitation, is not to serve as a place of employment, and is not to be open to the public for any purpose whatsoever.

(b) Persons designing or erecting or preparing plans, drawings or specifications for ~~one or two family dwellings~~ *buildings housing no more than two dwelling units in one contiguous structure* or for agricultural buildings, ~~as defined by K.S.A. 74-7031 and amendments thereto.~~

(c) Persons engaged in planning, drafting and designing of products manufactured for resale to the public.

(d) The performance of services by a licensed landscape architect in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

Sec. 25. K.S.A. 2013 Supp. 74-7034 is hereby amended to read as follows: 74-7034. The provisions of K.S.A. 74-7001 *et seq.*, and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of ~~land~~ surveying shall not be construed to prevent or to affect:

(a) ~~The~~ *Those surveying activities, which include* locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works, *when such activities are for purposes other than the conveyance of an interest in real property.*

(b) The practice of ~~land~~ surveying by an individual of such individual’s own real property or that of such individual’s employer for purposes other than the conveyance of an interest in such real property.

(c) The surveying on farms for agricultural purposes other than the conveyance of an interest in such farm property.

(d) The performance of services by a licensed landscape architect or by a business entity issued a certificate of authorization to provide services

in landscape architecture under K.S.A. 74-7036, and amendments thereto, in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

(e) *Mapping by governmental agencies when such activity does not involve the locating, relocating, or physical establishment of land boundaries and related monuments or the preparation of original or field retracement of existing descriptions of real property.*

New Sec. 26. The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of geology shall not be construed to prevent or to affect:

(a) The practice of geology by any person before July 1, 2000.

(b) The practice of geology which is exclusively in the exploration for and development of energy resources and economic minerals, and which does not affect the health, safety, property and welfare of the public, as determined by the board.

(c) The acquisition of engineering data, geologic data for engineering purposes and the utilization of such data by licensed professional engineers.

(d) The performance of work customarily performed by graduate physical or natural scientists.

(e) The teaching of geology in a college or university offering an approved geology curriculum.

Sec. 27. K.S.A. 74-7035 is hereby amended to read as follows: 74-7035. The provisions of ~~this act~~ K.S.A. 74-7001 et seq., and amendments thereto, shall not apply to:

(a) The work of an employee, *consultant* or a subordinate of a person holding a license under ~~this act~~ K.S.A. 74-7001 et seq., and amendments thereto, if such work does not include final designs or decisions, responsible charge of design or supervision and is done under the direct responsibility and supervision of a person practicing lawfully a technical profession;

~~(b) the practice of persons who are not residents of and have not established a place of business in this state, who are acting as consulting associates of persons licensed under the provisions of this act and who are legally qualified for such professional service in such persons' own state or country;~~

~~(c) the practice work of any person who is exclusively and regularly employed by one a single employer only, the, provided, such employer is not being an engineering, architectural or land, surveying, landscape architectural or geology firm, and the employer is not being primarily engaged in the business of conveying an interest in real property, in and also provided, such work is performed under an employer-employee relationship, in and making surveys of land and determinations of physical property rights is performed solely in connection only with the affairs of such employer or its subsidiaries and affiliates and solely for the uses, purposes and benefit of such employer, subsidiaries and affiliates; only;~~

~~(d)~~ (c) a plumbing contractor, master plumber or journeyman plumber licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto, while performing the work such plumber is authorized to perform pursuant to such license; or

~~(e)~~ (d) an electrical contractor, master electrician, journeyman electrician or residential electrician licensed under the provisions of K.S.A. 12-1525 et seq., and amendments thereto, while performing the work such electrician is authorized to perform pursuant to such license.

~~(f)~~ (e) For purposes of this act, public officers and employees who, within the scope of their employment and in the discharge of their public duties, provide information pertinent to or review the sufficiency of technical submissions, or who inspect property or buildings for compliance with requirements safeguarding life, health or property, are not engaged in the practice of the technical professions.

Sec. 28. K.S.A. 2013 Supp. 74-7036 is hereby amended to read as follows: 74-7036. (a) Notwithstanding any other provision of law, a business entity ~~may be~~ organized for the practice of one or more of the technical professions ~~if shall obtain a certificate of authorization pursuant to this section prior to doing business in this state. To obtain a certificate of authorization a business entity must meet the following:~~

(1) One or more principals is designated as *being in responsible charge* for the activities and decisions relating to the practice of such profession and is licensed to practice such profession by the board and is a regular employee of and active participant in the business entity;

(2) each person engaged in the practice of the technical profession is licensed to practice such profession by the board, or is exempt from licensure under K.S.A. 74-7031 through 74-7035, and amendments thereto, or is exempt from examination for licensure in this state under K.S.A. 74-7024, and amendments thereto; and

(3) ~~such business entity has been issued a certificate of authorization by the board each separate office or place of business established in this state by the business entity has a licensed professional who is regularly supervising the work of an office or place of business and has responsible charge of each respective technical professional practicing in the office. This requirement shall not apply to offices or places of business established to provide construction administration services only.~~

(b) A business entity ~~may~~ shall apply to the board for a certificate of authorization, upon a form prescribed by the board, listing the names and addresses of all principals licensed to practice the technical profession and such other information as may be required by the board. The application for a certificate of authorization shall be accompanied by an application fee fixed by the board under K.S.A. 74-7009, and amendments thereto. ~~Except as provided in subsection (c).~~ The certificate of authorization shall be renewed biennially. The biennial renewal fee fixed by the board under K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form prescribed by the board providing current information. In the event of a change of any principal, such change shall be provided to the board within 30 days after the effective date of such change.

(c) If the board finds that such business entity is in compliance with all of the requirements of this section, the board shall issue a certificate of authorization to such business entity designating the technical profession for which such business entity is authorized to provide services.

(d) No business entity issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with the provisions of this section, nor shall any individual practicing a technical profession be relieved of responsibility and liability for services performed by reason of employment or relationship with such business entity. The requirements of this section shall not affect a business entity and its employees in performing services included within the term “technical professions” solely for the benefit of such business entity or subsidiary or affiliated business entities. Nothing in this section shall exempt any business entity from the provisions of any other law applicable thereto.

~~(e) (1) The board is hereby authorized to issue a one-time renewal of the certificate of authorization for a business entity for a one-year period under the following conditions:~~

~~(A) The certificate of authorization is scheduled for renewal on or after December 31, 2010;~~

~~(B) the name of the business entity begins with a letter in the last half of the alphabet;~~

~~(C) the board notifies the business entity that its certificate of authorization will be renewed for one year; and~~

~~(D) the fee for renewal under this subsection shall be one-half of the biennial renewal fee set forth in K.S.A. 74-7009, and amendments thereto.~~

~~(2) Any certificate of authorization which has been renewed for a period of one year in accordance with this subsection shall be subsequently renewed on a biennial basis as prescribed by K.S.A. 74-7001 et seq., and amendments thereto.~~

~~(3) No certificate of authorization shall be renewed for a period of one year on or after January 1, 2012.~~

Sec. 29. K.S.A. 74-7038 is hereby amended to read as follows: 74-7038. A public official charged with the enforcement of any state, county or municipal building code shall not accept or approve any technical submissions involving the practice of the technical professions unless the technical submissions have been stamped with the technical professional's seal, *signed and dated* as required by ~~this act~~ K.S.A. 74-7001 et seq., and

amendments thereto, or unless the applicant has certified on the technical submission to the applicability of a specific exception provided for in K.S.A. 74-7035, and amendments thereto, permitting the preparation of the technical submissions by a person not licensed under ~~this act~~ K.S.A. 74-7001 *et seq.*, and amendments thereto. A building permit issued with respect to technical submissions which does not conform to the requirements of ~~this act~~ K.S.A. 74-7001 *et seq.*, and amendments thereto, is invalid. The acceptance or approval of technical submissions or the issuance of a building permit by a public official engaged in building inspection responsibilities, contrary to the provisions of ~~this act~~ K.S.A. 74-7001 *et seq.*, and amendments thereto, shall not create liability upon the public official or the official's governmental agency.

Sec. 30. K.S.A. 74-7039 is hereby amended to read as follows: 74-7039. (a) The ~~state board of technical professions~~, in addition to any other penalty prescribed under ~~the act governing the technical professions~~ K.S.A. 74-7001 *et seq.*, and amendments thereto, may assess civil fines and costs, including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All civil fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. ~~All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund.~~

(b) *The board may also assess costs, including attorney fees, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in addition to any fine imposed. All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund.*

(c) In determining the amount of penalty to be assessed pursuant to this section, the board may consider the following factors among others:

- (1) Willfulness of the violation;
- (2) repetitions of the violation; and
- (3) magnitude of the risk of harm *to the health, safety, property and welfare of the public* caused by the violation.

Sec. 31. K.S.A. 74-7040 is hereby amended to read as follows: 74-7040. Any person licensed to practice the technical professions in the state of Kansas at the time this act takes effect shall thereafter continue to possess the same rights and privileges with respect to the practice of the technical profession for which such person is licensed, *in accordance with the current definition of the practice of such technical profession*, without being required to obtain a new license under the provisions of this act, subject to the power of the board as provided in this act to suspend or revoke the license of any such person for any of the causes set forth in K.S.A. 74-7026, and amendments thereto, and subject to the power of the board to require any such person to renew such license as provided in K.S.A. 74-7025, and amendments thereto.

Sec. 32. K.S.A. 2013 Supp. 74-7046 is hereby amended to read as follows: 74-7046. (a) A ~~land~~ *professional* surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such *professional* surveyor's authorized agents and employees may enter upon lands, waters and premises of a party who has not requested the survey when it is necessary for the purpose of making a survey. If the licensed *professional* surveyor has made a reasonable attempt to notify the person in possession, such entry shall not be deemed a trespass. Upon notice, such person in possession has the right to modify the time and other provisions of the *professional* surveyor's access upon notification to the surveyor, as long as such modifications do not unrea-

sonably restrict completion of the survey. Nothing herein shall change the status of the licensed *professional* surveyor as an occupier of land.

(b) While conducting surveys, the licensed *professional* surveyor and such *professional* surveyor's authorized agents and employees shall carry proper identification as to such *professional* surveyor's licensure or employment and shall display such identification to anyone upon request.

(c) Neither the landowner nor the person in possession shall be liable for any injury or damage sustained by a licensed *professional* surveyor or such *professional* surveyor's authorized agents and employees entering upon such land, water or premises under the provisions of this section, except when such damages and injury were willfully or deliberately caused by the landowner or person in possession.

(d) Nothing in this section shall be construed to:

(1) Remove civil liability for actual damage to such lands, waters, premises, crops or personal property;

(2) give the licensed *professional* surveyor or such *professional* surveyor's authorized agents and employees the authority to enter any building or structure used as a residence or for storage; and

(3) remove civil or criminal liability for intentional acts of injury or for damages to the *professional* surveyor or authorized agents and employees.

Sec. 33. K.S.A. 2013 Supp. 74-99b16 is hereby amended to read as follows: 74-99b16. (a) As used in this section, unless the context expressly provides otherwise:

(1) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services that are determined by the bioscience authority to be required for a project;

(2) "architectural services" means those services described by ~~subsection (c) of~~ *as the "practice of architecture," as defined in K.S.A. 74-7003, and amendments thereto;*

(3) "construction services" means the work performed by a construction contractor to commence and complete a project;

(4) "construction management at-risk services" means the services provided by a firm which has entered into a contract with the bioscience authority to be the construction manager at risk for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor and which is required to solicit competitive bids for the trade packages developed for a project and to enter into the trade contracts for a project with the lowest responsible bidder therefor, and may include, but are not limited to, such services as scheduling, value analysis, systems analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination;

(5) "division of facilities management" means the division of facilities management of the department of administration;

(6) "engineering services" means those services described by ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto;*

(7) "firm" means: (A) With respect to architectural services, an individual, firm, partnership, corporation, association or other legal entity which is: (i) Permitted by law to practice the profession of architecture; and (ii) maintaining an office in Kansas staffed by one or more architects who are licensed by the board of technical professions; or (iii) not maintaining an office in Kansas, but which is qualified to perform special architectural services that are required in special cases where in the judgment of the bioscience authority it is necessary to go outside the state to obtain such services; (B) with respect to engineering services or land surveying, an individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services, respectively; (C) with respect to construction management at-risk services, a qualified individual, firm, partnership, corporation, association or other legal entity per-

mitted by law to perform construction management at-risk services; (D) with respect to ancillary technical services or other services that are determined by the bioscience authority to be required for a project, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the required profession or perform the other required services, as determined by the bioscience authority; and (E) with respect to construction services, a qualified individual, firm, partnership, corporation, association, or other legal entity permitted by law to perform construction services for a project;

(8) “land surveying” means those services described in ~~subsection (j) of~~ *as “professional surveying,” as defined in K.S.A. 74-7003, and amendments thereto;*

(9) “negotiating committee” means the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, except that for the period of May 1, 2008, through May 1, 2009, the term shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto;

(10) “project” means a project undertaken by the Kansas bioscience authority;

(11) “project services” means architectural services, engineering services, land surveying, construction management at-risk services, construction services, ancillary technical services or other construction-related services determined by the bioscience authority to be required for a project; and

(12) “state building advisory commission” means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(b) The bioscience authority, when acting under authority of this act, and each project authorized by the bioscience authority under this act are exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto, except as otherwise specifically provided by this act.

(c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, or the provisions of any other statute to the contrary, all contracts for any supplies, materials or equipment for a project authorized by the bioscience authority under this act, shall be entered into in accordance with procurement procedures determined by the bioscience authority, subject to the provisions of this section, except that, in the discretion of the bioscience authority, any such contract may be entered into in the manner provided in and subject to the provisions of any such statute otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the bioscience authority does not obtain construction management at-risk services for a project, the construction services for such project shall be obtained pursuant to competitive bids and all contracts for construction services for such project shall be awarded to the lowest responsible bidder in accordance with procurement procedures determined and administered by the bioscience authority which shall be consistent with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) When it is necessary in the judgment of the bioscience authority to obtain project services for a particular project by conducting negotiations therefor, the bioscience authority shall publish a notice of the commencement of negotiations for the required project services at least 15 days prior to the commencement of such negotiations in the Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the bioscience authority.

(e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-1251, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments thereto, with respect to the procurement of architectural services for a project authorized by the bioscience authority under this act, “negotiating committee” shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required architectural services for the project in accordance with the provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto, except that no limitation on the fees for architectural serv-

ices for the project shall apply to the fees negotiated by the board of directors for such architectural services, except that for the period of May 1, 2008, through May 1, 2009, the “negotiating committee” shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, shall have no role in the procurement of architectural services for a project.

(2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-5802, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments thereto, with respect to the procurement of engineering services or land surveying services for a project authorized by the bioscience authority under this act, “negotiating committee” shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required engineering services or land surveying services for the project in accordance with the provisions of K.S.A. 75-5801 through 75-5807, and amendments thereto, except that for the period of May 1, 2008, through May 1, 2009, the “negotiating committee” shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, shall have no role in the procurement of engineering services or land surveying services for a project.

(3) In any case of a conflict between the provisions of this section and the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through 75-5807, and amendments thereto, with respect to a project authorized by the bioscience authority under this act, the provisions of this section shall govern.

(f) (1) For the procurement of construction management at-risk services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction management at-risk services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm’s capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm’s personnel; and (C) performance data of all consultants the firm proposes to use.

(2) Whenever the bioscience authority determines that a construction manager at risk is required for a project under this act, the bioscience authority shall notify the state building advisory commission and the state building advisory commission shall prepare a list of at least three and not more than five firms which are, in the opinion of the state building advisory commission, qualified to serve as construction manager at risk for the project. Such list shall be submitted to the negotiating committee, without any recommendation of preference or other recommendation. The negotiating committee shall have access to statements of qualifications of and performance data on the firms listed by the state building advisory commission and all information and evaluations regarding such firms gathered and developed by the secretary of administration under K.S.A. 75-3783, and amendments thereto.

(3) The negotiating committee shall conduct discussions with each of the firms so listed regarding the project. The negotiating committee shall determine which construction management at-risk services are desired and then shall proceed to negotiate with and attempt to enter into a contract with the firm considered to be most qualified to serve as construction manager at risk for the project. The negotiating committee shall proceed in accordance with the same process with which negotiations are undertaken to contract with a firm to be a project architect under K.S.A. 75-1257, and amendments thereto, to the extent that such provisions can be made to apply. Should the negotiating committee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be terminated and shall undertake negotiations with the second most qualified firm, and so forth, in accordance with that statute.

(4) The contract to perform construction management at-risk services for a project shall be prepared by the division of facilities management

and entered into by the bioscience authority with the firm contracting to perform such construction management at-risk services.

(g) (1) To assist in the procurement of construction services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm's capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm's personnel; (C) performance data of all subcontractors the firm proposes to use; and (D) such other information related to the qualifications and capability of the firm to perform construction services for projects as may be prescribed by the secretary of administration.

(2) The construction manager at risk shall publish a construction services bid notice in the Kansas register and in such other appropriate manner as may be determined by the bioscience authority. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager at risk and the state bioscience authority with the assistance of the division of facilities management. The current statements of qualifications of and performance data on the firms submitting bid proposals shall be made available to the construction manager at risk and the bioscience authority by the state building advisory commission along with all information and evaluations developed regarding such firms by the secretary of administration under K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid proposal shall be bonded in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bond to the construction manager at risk prior to submitting a bid proposal. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection. At the time for opening the bids, the construction manager at risk shall evaluate the bids and shall determine the lowest responsible bidder. The construction manager at risk shall enter into contracts with each firm performing the construction services for the project and make a public announcement of each firm selected in accordance with this subsection.

(h) The division of facilities management shall provide such information and assistance as may be requested by the bioscience authority or the negotiating committee for a project, including all or part of any project services as requested by the bioscience authority, and: (1) Shall prepare the request for proposals and publication information for each publication of notice under this section, subject to the provisions of this section; (2) shall prepare each contract for project services for a project, including each contract for construction services for a project; (3) shall conduct design development reviews for each project; (4) shall review and approve all construction documents for a project prior to soliciting bids or otherwise soliciting proposals from construction contractors or construction service providers for a project; (5) shall obtain and maintain copies of construction documents for each project; and (6) shall conduct periodic inspections of each project, including jointly conducting the final inspection of each project.

(i) Notwithstanding the provisions of any other statute, the bioscience authority shall enter into one or more contracts with the division of facilities management for each project for the services performed by the division of facilities management for the project as required by this section or at the request of the bioscience authority. The division of facilities management shall receive fees from the bioscience authority to recover the costs incurred to provide such services pursuant to such contracts.

(j) Design development reviews and construction document reviews conducted by the division of facilities management shall be limited to ensuring only that the construction documents do not change the project description and that the construction documents comply with the standards established under K.S.A. 75-3783, and amendments thereto, by the secretary of administration for the planning, design and construction of buildings and major repairs and improvements to buildings for state agencies, including applicable building and life safety codes and appropriate and practical energy conservation and efficiency standards.

(k) Each project for a bioscience research institution shall receive a

final joint inspection by the division of facilities management and the bioscience authority. Each such project shall be officially accepted by the bioscience authority before such project is occupied or utilized by the bioscience research institution, unless otherwise agreed to in writing by the contractor and the bioscience authority as to the satisfactory completion of the work on part of the project that is to be occupied and utilized, including any corrections of the work thereon.

(1) (1) The bioscience authority shall issue monthly reports of progress on each project and shall advise and consult with the joint committee on state building construction regarding each project. Change orders and changes of plans for a project shall be authorized or approved by the bioscience authority.

(2) No change order or change of plans for a project involving either cost increases of \$75,000 or more or involving a change in the proposed use of a project shall be authorized or approved by the bioscience authority without having first advised and consulted with the joint committee on state building construction.

(3) Change orders or changes in plans for a project involving a cost increase of less than \$75,000 and any change order involving a cost reduction, other than a change in the proposed use of the project, may be authorized or approved by the bioscience authority without prior consultation with the joint committee on state building construction. The bioscience authority shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(4) If the bioscience authority determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any project that the bioscience authority is required to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no meeting of the joint committee is scheduled to take place within the next 10 business days, then the bioscience authority may use the procedure authorized by subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of advising and consulting with the joint committee at a meeting. In any such case, the bioscience authority shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any project to each member of the joint committee on state building construction and to the director of the legislative research department. If the bioscience authority provides notice and information to the members of the joint committee and to such director in the manner required and subject to the same provisions and conditions that apply to the secretary of administration under such statute, and if less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the bioscience authority shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.

(m) The provisions of this section shall apply to each project authorized by the bioscience authority under this act and shall not apply to any other capital improvement project of the bioscience authority or bioscience research institution that is specifically authorized by any other statute.

Sec. 34. K.S.A. 2013 Supp. 75-1251 is hereby amended to read as follows: 75-1251. As used in K.S.A. 75-1250 through 75-1267, and amendments thereto, unless the context otherwise requires, the following terms shall be defined as follows:

(a) “Firm” means any individual, firm, partnership, corporation, association, or other legal entity that is permitted by law to practice the profession of architecture, engineering or land surveying.

(b) “Negotiating committee” means a committee to negotiate as provided in this act, and consisting of the following members: (1) The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the

case, or a person designated by the head of the agency; (2) the head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and (3) the secretary of administration, or a person designated by the secretary, who shall act as chairperson of the committee.

(c) “Architectural services” means any of the following: (1) The practice of architecture, as defined in ~~subsection (c) of~~ K.S.A. 74-7003, and amendments thereto;

(2) the practice of landscape architecture, as defined in ~~subsection (g) of~~ K.S.A. 74-7003, and amendments thereto; and

(3) interior design services.

(d) “Project architect, engineer or land surveyor” means a firm employed under K.S.A. 75-1250 through 75-1267, and amendments thereto, for a particular project.

(e) “State building advisory commission” means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto, or any duly authorized officer or employee of such commission.

(f) “State agency” includes any state institution.

(g) “Engineering services” means those services ~~prescribed in subsection (i) of~~ described as the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto, as related to building construction defined in this section.

(h) “Land surveying” means those services ~~prescribed in subsection (k) of~~ described as “professional surveying,” as defined in K.S.A. 74-7003, and amendments thereto, as related to building construction defined in this section.

(i) “Agency head” means the chief administrative officer of a state agency, as the term is defined in subsection (3) of K.S.A. 75-3701, and amendments thereto, but shall not include the chief administrative officer of any state institution.

(j) “Building construction” means furnishing and utilizing labor, equipment, materials or supplies used or consumed for the construction, alteration, renovation, repair or maintenance of a building or structure. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures, including, but not limited to, rest areas and visitor centers or stand-alone parking lots.

Sec. 35. K.S.A. 2013 Supp. 75-37,142 is hereby amended to read as follows: 75-37,142. As used in the Kansas alternative project delivery construction procurement act, unless the context expressly provides otherwise:

(a) “Act” means the Kansas alternative project delivery building construction procurement act.

(b) “Agency” means the agency or state educational institution, as defined in K.S.A. 76-756, and amendments thereto, with the authority to award public contracts for building design and construction.

(c) “Alternative project delivery” means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor or building design-build team is selected based on a qualifications and best value approach.

(d) “Ancillary technical services” include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the agency to be required for the project.

(e) “Architectural services” means those services described by ~~subsection (e) of~~ as the “practice of architecture,” as defined in K.S.A. 74-7003, and amendments thereto.

(f) “Best value selection” means a selection based upon project cost, qualifications and other factors.

(g) “Building construction” means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure. Build-

ing construction does not include highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots.

(h) “Building design-build” means a project for which the design and construction services are furnished under one contract.

(i) “Building design-build contract” means a contract between the agency and a design-builder to furnish the architecture or engineering and related design services required for a given public facilities construction project and to furnish the labor, materials and other construction services for such public project.

(j) “Construction services” means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots.

(k) “Construction management at-risk services” means the services provided by a firm which has entered into a contract with the agency to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination.

(l) “Construction management at-risk contract” means the contract whereby the state agency acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(m) “Construction manager or general contractor” means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the state agency, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(n) “Design-builder” means any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts.

(o) “Design criteria consultant” means a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract to the agency to provide professional design and administrative services in connection with the preparation of the design criteria package.

(p) “Design criteria package” means performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the division’s request for proposals for a building design-build project.

(q) “Director” means the director of the division of facilities management.

(r) “Division of facilities management” means the division of facilities management of the department of administration.

(s) “Engineering services” means those services described by ~~subsection (i) of~~ *as the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto.*

(t) “Guaranteed maximum price” means the cost of the work as defined in the contract.

(u) “Negotiating committee” means a group of individuals as defined by K.S.A. 75-1251 and 75-5802, and amendments thereto.

(v) “Parking lot” means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act.

A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(w) “Preconstruction services” means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation, and preparation and coordination of bid packages.

(x) “Project services” means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the agency to be required by the project.

(y) “Public construction project” means the process of designing, constructing, reconstructing, altering or renovating a public building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(z) “State building advisory commission” means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(aa) “Stipend” means an amount paid to the unsuccessful proposers to defray the cost of submission of phase II of the building design-build proposal.

Sec. 36. K.S.A. 75-5802 is hereby amended to read as follows: 75-5802. As used in this act unless the context specifically requires otherwise:

(a) “Firm” means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services.

(b) “Engineering services” means those services described ~~in subsection (i) of~~ as the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto.

(c) “Land surveying” means those services described ~~in subsection (j) of~~ as “professional surveying,” as defined in K.S.A. 74-7003, and amendments thereto.

(d) “Agency head” means the chief administrative officer of a state agency, as that term is defined in subsection (3) of K.S.A. 75-3701, and amendments thereto, but shall not include the chief administrative officer of any state institution.

(e) “Negotiating committee” means a committee designated to negotiate as provided in this act, and consisting of: (1) The agency head of the state agency for which the proposed project is planned, or a person designated by such agency head; (2) the secretary of administration, or a person designated by ~~said~~ such secretary; and (3) the chief administrative officer of the state institution for which the proposed project is planned, or when the proposed project is not planned for a state institution, the agency head shall designate a second person in lieu of the chief administrative officer of a state institution.

(f) “Project” means any capital improvement project or any study, plan, survey or program activity of a state agency, including development of new or existing programs and preparation of federal grant applications.

(g) “State building advisory commission” means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto, or any duly authorized officer or employee of such commission.

Sec. 37. K.S.A. 2013 Supp. 76-786 is hereby amended to read as follows: 76-786. (a) As used in this section, unless the context expressly provides otherwise:

(1) “Ancillary technical services” include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services that are determined by the board of regents to be required for a project;

(2) “architectural services” means those services described ~~by subsection (e) of~~ as the “practice of architecture,” as defined in K.S.A. 74-7003, and amendments thereto;

(3) “construction services” means the work performed by a construction contractor to commence and complete a project;

(4) “construction management at-risk services” means the services

provided by a firm which has entered into a contract with the board of regents to be the construction manager at risk for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor and which is required to solicit competitive bids for the trade packages developed for a project and to enter into the trade contracts for a project with the lowest responsible bidder therefor, and may include, but are not limited to, such services as scheduling, value analysis, systems analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination;

(5) “division of facilities management” means the division of facilities management of the department of administration;

(6) “engineering services” means those services described by ~~subsection (i) of~~ *as the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto;*

(7) “firm” means: (A) With respect to architectural services, an individual, firm, partnership, corporation, association or other legal entity which is: (i) Permitted by law to practice the profession of architecture; and (ii) maintaining an office in Kansas staffed by one or more architects who are licensed by the board of technical professions; or (iii) not maintaining an office in Kansas, but which is qualified to perform special architectural services that are required in special cases where in the judgment of the board of regents it is necessary to go outside the state to obtain such services; (B) with respect to engineering services or land surveying, an individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services, respectively; (C) with respect to construction management at-risk services, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to perform construction management at-risk services; (D) with respect to ancillary technical services or other services that are determined by the board of regents to be required for a project, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the required profession or perform the other required services, as determined by the board of regents; and (E) with respect to construction services, a qualified individual, firm, partnership, corporation, association, or other legal entity permitted by law to perform construction services for a project;

(8) “land surveying” means those services described in ~~subsection (j) of~~ *as “professional surveying,” as defined in K.S.A. 74-7003, and amendments thereto;*

(9) “negotiating committee” means the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto;

(10) “project” means: (A) The project for the KSU food safety and security research facility; (B) the project for the KUMC biomedical research facility; (C) the project for the WSU engineering complex expansion and research laboratory; or (D) the project for the acquisition and installation of equipment for the KU biosciences research building, which are funded from the proceeds of the bonds authorized to be issued under K.S.A. 2013 Supp. 76-783, and amendments thereto, within the limitation of \$120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond, and from any moneys received as gifts, grants or otherwise from any public or private nonstate source;

(11) “project services” means architectural services, engineering services, land surveying, construction management at-risk services, construction services, ancillary technical services or other construction-related services determined by the board of regents to be required for a project; and

(12) “state building advisory commission” means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(b) The board of regents, when acting under authority of this act, and

each project authorized by the board of regents under this act are exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto, except as otherwise specifically provided by this act.

(c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, or the provisions of any other statute to the contrary, all contracts for any supplies, materials or equipment for a project authorized by the board of regents under this act, shall be entered into in accordance with procurement procedures determined by the board of regents, subject to the provisions of this section, except that, in the discretion of the board of regents, any such contract may be entered into in the manner provided in and subject to the provisions of any such statute otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the board of regents does not obtain construction management at-risk services for a project, the construction services for such project shall be obtained pursuant to competitive bids and all contracts for construction services for such project shall be awarded to the lowest responsible bidder in accordance with procurement procedures determined and administered by the board of regents which shall be consistent with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) When it is necessary in the judgment of the board of regents to obtain project services for a particular project by conducting negotiations therefor, the board of regents shall publish a notice of the commencement of negotiations for the required project services at least 15 days prior to the commencement of such negotiations in the Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the board of regents.

(e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-1251, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments thereto, with respect to the procurement of architectural services for a project authorized by the board of regents under this act, “negotiating committee” shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required architectural services for the project in accordance with the provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto, except that no limitation on the fees for architectural services for the project shall apply to the fees negotiated by the board of directors for such architectural services.

(2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-5802, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments thereto, with respect to the procurement of engineering services or land surveying services for a project authorized by the board of regents under this act, “negotiating committee” shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required engineering services or land surveying services for the project in accordance with the provisions of K.S.A. 75-5801 through 75-5807, and amendments thereto.

(3) In any case of a conflict between the provisions of this section and the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through 75-5807, and amendments thereto, with respect to a project authorized by the board of regents under this act, the provisions of this section shall govern.

(f) (1) For the procurement of construction management at-risk services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction management at-risk services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm’s capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm’s personnel; and (C) performance data of all consultants the firm proposes to use.

(2) Whenever the board of regents determines that a construction

manager at risk is required for a project under this act, the board of regents shall notify the state building advisory commission and the state building advisory commission shall prepare a list of at least three and not more than five firms which are, in the opinion of the state building advisory commission, qualified to serve as construction manager at risk for the project. Such list shall be submitted to the negotiating committee, without any recommendation of preference or other recommendation. The negotiating committee shall have access to statements of qualifications of and performance data on the firms listed by the state building advisory commission and all information and evaluations regarding such firms gathered and developed by the secretary of administration under K.S.A. 75-3783, and amendments thereto.

(3) The negotiating committee shall conduct discussions with each of the firms so listed regarding the project. The negotiating committee shall determine which construction management at-risk services are desired and then shall proceed to negotiate with and attempt to enter into a contract with the firm considered to be most qualified to serve as construction manager at risk for the project. The negotiating committee shall proceed in accordance with the same process with which negotiations are undertaken to contract with a firm to be a project architect under K.S.A. 75-1257, and amendments thereto, to the extent that such provisions can be made to apply. Should the negotiating committee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be terminated and shall undertake negotiations with the second most qualified firm, and so forth, in accordance with that statute.

(4) The contract to perform construction management at-risk services for a project shall be prepared by the division of facilities management and entered into by the board of regents with the firm contracting to perform such construction management at-risk services.

(g) (1) To assist in the procurement of construction services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm's capacity and experience, including experience on similar or related projects;; (B) the capabilities and other qualifications of the firm's personnel;; (C) performance data of all subcontractors the firm proposes to use;; and (D) such other information related to the qualifications and capability of the firm to perform construction services for projects as may be prescribed by the secretary of administration.

(2) The construction manager at risk shall publish a construction services bid notice in the Kansas register and in such other appropriate manner as may be determined by the board of regents. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager at risk and the state board of regents with the assistance of the division of facilities management. The current statements of qualifications of and performance data on the firms submitting bid proposals shall be made available to the construction manager at risk and the board of regents by the state building advisory commission along with all information and evaluations developed regarding such firms by the secretary of administration under K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid proposal shall be bonded in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bond to the construction manager at risk prior to submitting a bid proposal. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection. At the time for opening the bids, the construction manager at risk shall evaluate the bids and shall determine the lowest responsible bidder. The construction manager at risk shall enter into contracts with each firm performing the construction services for the project and make a public announcement of each firm selected in accordance with this subsection.

(h) The division of facilities management shall provide such information and assistance as may be requested by the board of regents or the negotiating committee for a project, including all or part of any project services as requested by the board of regents, and: (1) Shall prepare the

request for proposals and publication information for each publication of notice under this section, subject to the provisions of this section;; (2) shall prepare each contract for project services for a project, including each contract for construction services for a project;; (3) shall conduct design development reviews for each project;; (4) shall review and approve all construction documents for a project prior to soliciting bids or otherwise soliciting proposals from construction contractors or construction service providers for a project;; (5) shall obtain and maintain copies of construction documents for each project;; and (6) shall conduct periodic inspections of each project, including jointly conducting the final inspection of each project.

(i) Notwithstanding the provisions of any other statute, the board of regents shall enter into one or more contracts with the division of facilities management for each project for the services performed by the division of facilities management for the project as required by this section or at the request of the board of regents. The division of facilities management shall receive fees from the board of regents to recover the costs incurred to provide such services pursuant to such contracts.

(j) Design development reviews and construction document reviews conducted by the division of facilities management shall be limited to ensuring only that the construction documents do not change the project description and that the construction documents comply with the standards established under K.S.A. 75-3783, and amendments thereto, by the secretary of administration for the planning, design and construction of buildings and major repairs and improvements to buildings for state agencies, including applicable building and life safety codes and appropriate and practical energy conservation and efficiency standards.

(k) Each project for a state educational institution shall receive a final joint inspection by the division of facilities management and the board of regents. Each such project shall be officially accepted by the board of regents before such project is occupied or utilized by the state educational institution, unless otherwise agreed to in writing by the contractor and the board of regents as to the satisfactory completion of the work on part of the project that is to be occupied and utilized, including any corrections of the work thereon.

(l) (1) The board of regents shall issue monthly reports of progress on each project and shall advise and consult with the joint committee on state building construction regarding each project. Change orders and changes of plans for a project shall be authorized or approved by the board of regents.

(2) No change order or change of plans for a project involving either cost increases of \$75,000 or more or involving a change in the proposed use of a project shall be authorized or approved by the board of regents without having first advised and consulted with the joint committee on state building construction.

(3) Change orders or changes in plans for a project involving a cost increase of less than \$75,000 and any change order involving a cost reduction, other than a change in the proposed use of the project, may be authorized or approved by the board of regents without prior consultation with the joint committee on state building construction. The board of regents shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(4) If the board of regents determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any project that the board of regents is required to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no meeting of the joint committee is scheduled to take place within the next 10 business days, then the board of regents may use the procedure authorized by subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of advising and consulting with the joint committee at a meeting. In any such case, the board of regents shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any project to each member of the joint committee on state building construction and to the director of the legislative research department. If the board of regents provides notice and information to the members of the joint committee and to such director in the manner required and subject to the same provisions and conditions that apply to the secretary

of administration under such statute, and if less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the board of regents shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.

(m) The provisions of this section shall apply to each project authorized by the board of regents under this act and shall not apply to any other capital improvement project of the board of regents or of any state educational institution that is specifically authorized by any other statute.

Sec. 38. K.S.A. 2013 Supp. 76-7,126 is hereby amended to read as follows: 76-7,126. As used in this act, unless the context expressly provides otherwise:

(a) “State educational institution” or “institution” means Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas state university, college of technology at Salina.

(b) “Alternative project delivery” means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor team is selected based on a qualifications and best value approach.

(c) “Ancillary technical services” include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the institution to be required for the project.

(d) “Architectural services” means those services described by ~~sub-section (e) of~~ *as the “practice of architecture,” as defined in K.S.A. 74-7003, and amendments thereto.*

(e) “Best value selection” means a selection based upon project cost, qualifications and other factors.

(f) (1) “Building construction” means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure.

(2) “Building construction” does not include highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(g) “Construction project services” means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(h) “Construction management at-risk services” means the services provided by a firm which has entered into a contract with the institution to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(i) “Construction management at-risk contract” means a contract under which an institution acquires from a construction manager or general

contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(j) “Construction manager or general contractor” means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the institution, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(k) “Design criteria consultant” means a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract to the institution to provide professional design and administrative services in connection with the preparation of the design criteria package.

(l) “Engineering services” means those services described by ~~subsection (i) of~~ *the “practice of engineering,” as defined in K.S.A. 74-7003, and amendments thereto.*

(m) “Guaranteed maximum price” means the cost of the work as defined in the contract.

(n) “Non-state moneys” means any funds received by a state educational institution from any source other than the state of Kansas or any agency thereof.

(o) “Parking lot” means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(p) “Preconstruction services” means a series of services including, but not limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(q) (1) “Construction project” or “project” means the process of designing, constructing, reconstructing, altering or renovating a building or other structure.

(2) “Construction project” or “project” does not mean the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(r) “Procurement committee” means the state educational institution procurement committee established by K.S.A. 2013 Supp. 76-7,131, and amendments thereto.

(s) “State board” means the state board of regents.

Sec. 39. K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7037, 74-7038, 74-7039, 74-7040, 74-7042 and 75-5802 and K.S.A 2013 Supp. 19-216c, 19-1401a, 44-918, 44-919, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7041, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 are hereby repealed.

Sec. 40. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.